

**REMARKS**

At the time of the Office Action dated October 3, 2005, claims 1-11 were pending in this application. Of those claims, claims 4-5, 7-9, and 11 have been rejected and claims 1-3, 6, and 10 have been withdrawn from consideration pursuant to the provisions of 37 C.F.R. § 1.142(b). Claims 4 and 8 have been amended, and claims 5 and 9 have been cancelled. Care has been exercised to avoid the introduction of new matter. Specifically, claims 4 and 8 have been amended by respectively incorporating the limitations of claims 5 and 9 therein, and consequently claims 5 and 9 have been cancelled. Applicants submit that the present Amendment does not generate any new matter issue.

**CLAIMS 4 AND 8 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON CONKLIN ET AL., U.S. PATENT NO. 6,338,050 (HEREINAFTER CONKLIN), IN VIEW OF HORN ET AL., U.S. PATENT PUBLICATION NO. 2002/0156688 (HEREINAFTER HORN)**

Since claims 4 and 8 have been amended to respectively include the limitations previously presented in claims 5 and 9, Applicants respectfully submit that the rejection of claims 4 and 8 under 35 U.S.C. § 103 for obviousness based upon Conklin in view of Horn is moot.

**CLAIMS 5, 7, 9, AND 11 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS**

**BASED UPON CONKLIN IN VIEW OF HORN AND FURTHER IN VIEW OF VEGA, U.S. PATENT**

**PUBLICATION NO. 2002/0120554**

On pages 7 and 8 of the Office Action, the Examiner concluded that one having ordinary skill in the art would have been motivated to modify Conklin in view of Horn and Vega to arrive at the claimed invention. This rejection is respectfully traversed. Since claims 4 and 8 have been amended to respectively include the limitations previously presented in claims 5 and 9, Applicants will address the rejections as to claims 5 and 9 as now applying to claims 4 and 8.

The claimed invention is directed to "cooperatively processing e-business transactions in an e-business complex," and these processes includes (i) managing certain sales functions for virtual store operators (i.e., claims 4 and 8, as originally presented) and (ii) brokering professional services to the virtual store operators (i.e., previously presented in claims 5 and 9). The combination of the managing certain sales functions for and the brokering of professional services to virtual store operators being performed in a single e-business complex is neither taught nor suggested by the applied prior art.

The Examiner asserts that both Conklin and Horn each teach a central entity providing certain sales functions to virtual stores. Vega is also relied upon to teach "a method/system that advantageously facilitates functioning as a marketplace for services and/or packages of services" (paragraph [0039]). The combination of Conklin, Horn, and Vega, however, fail to teach a single entity (i.e., the claimed "e-business complex") that performs both functions.

The Examiner asserted that "Conklin teaches that the participants in a community that is sellers could also be buyers ... and therefore one of the store operator could participate as a buyer buying products/services from another store operator." However, upon reviewing Conklin, Applicants note that Conklin is silent as to the store operator participating as a buyer buying services from another store operator. Instead, Conklin is directed to "enable a prospective buyer to find companies and their products in the community" (column 19, lines 57-59) (emphasis added). Thus, the disclosure of Conklin appears to be limited to products.

Therefore, if Conklin, Horn, and Vega were to be combined in the manner suggested by the Examiner, a Global Store 1500 (i.e., the teachings of Horn) would be employed to provide the sales functions for virtual store operators and a separate retaining engine system 102 (i.e., the teachings of Vega) would be employed to provide services from a plurality of service providers. In contrast, in the claimed invention, the functions are combined into a single "e-business complex."

As discussed in M.P.E.P. § 2141, one of the basic considerations for an Examiner is to consider the claimed invention as a whole.<sup>1</sup> As already noted, the claimed invention, as a whole, is directed to combining these separate and distinct functions into a single entity. However, the claimed invention, as a whole, is not taught or suggested by the applied prior art since the

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<sup>1</sup>When applying 35 U.S.C. § 103, the following tenets of patent law must be adhered to:

- (A) The claimed invention must be considered as a whole;
- (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
- (C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and
- (D) Reasonable expectation of success is the standard with which obviousness is determined.

Hodosh v. Block Drug Co., Inc., 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986).

applied prior art does not provide any motivation to combine these separate and distinct functions into a single entity. Applicants, therefore, respectfully submit that a rejection of claims 4, 7-8, and 11 under 35 U.S.C. § 103 for obviousness based upon Conklin in view of Horn and Vega would not be viable.

Applicants have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicants hereby respectfully request reconsideration and prompt allowance of the pending claims.

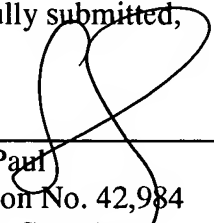
Although Applicants believe that all claims are in condition for allowance, the Examiner is directed to the following statement found in M.P.E.P. § 706(II):

When an application discloses patentable subject matter and it is apparent from the claims and the applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and when possible should offer a definite suggestion for correction.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

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Respectfully submitted,



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